IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 77 OF 2006

SHRI KUSTULO NARU PAL, BICHOLIM GOA. ....Appellant

Versus

THE ADMINISTRATOR OF COMMUNIDADES OF BARDEZ AND 8 ORS., ...Respondents

Mr. A. Kansar, Advocate for the Appellant.

Mr. M.J. Rane, Advocate for R.1.
Mr. M.S. Sonak, Advocate for R.6.

Coram:- S.A.BOBDE, J.

Date:- 16th March, 2007

ORAL JUDGMENT:

Admit.

Taken up for final disposal with consent of the parties.

Mr. A. Kansar, learned counsel for the appellant states that the injunction order dated 4.8.06 is completely misconceived, in that the appellant (defendant No.6) is restrained from doing any construction in the suit plot 'D' pending disposal of the Suit. The appellant has not been allotted Suit plot 'D' at any time and is not doing any construction thereon.

Mr. Sonak, the learned counsel for the respondent No.6 (plaintiff) is not in a position to dispute this assertion made on behalf of the appellant. Hence the impugned order to the extent that it contains a direction to the respondent No.6 is hereby set aside.

Undoubtedly, in case the appellant alters his position and begins such

construction which is not legal according to the plaintiff, the plaintiff would have liberty to take out appropriate application for injunction, as may be advised.

Appeal disposed of.

S.A.BOBDE, J.

sl.